



Site visit  
photo  
March 2019.  
Kear-

## Helen O'Sullivan

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**From:** Brian McCarthy  
**Sent:** 04 March 2019 07:35  
**To:** Helen O'Sullivan  
**Cc:** Gary Smith  
**Subject:** Re: Coffey Construction - Irish Rail Yard works

Hi Helen,

I can confirm that Coffey Construction are working on behalf of Irish Water in Cork City and that their compound is based in Irish Rails yard off Water Street.

Regards,  
Brian

Sent from my iPhone

> On 2 Mar 2019, at 11:19, Helen O'Sullivan <[helen\\_osullivan@corkcity.ie](mailto:helen_osullivan@corkcity.ie)> wrote:  
>  
> My email address  
> Thanks  
> Helen.

	<p>(b) 40% of the gross floor area of the school, whichever is the lesser.</p> <ol style="list-style-type: none"> <li>2. No such structure shall be above the ground floor;</li> <li>3. Any extension shall be a distance of not less than 2 metres from any party boundary.</li> <li>4. Such structure shall comply with the Department of Education and Science Primary and Post Primary Technical Guidance Documents for the time being in force.</li> </ol>
<p><b>CLASS 58</b></p> <p>Development by Irish Water, for the purpose of the provision of water services, consisting of one or more of the following:</p> <ol style="list-style-type: none"> <li>(a) the inspection, maintenance, repair, renewal or removal of pipes, cables, water mains, sewers, including associated accessories, service connections, boundary boxes, kiosks, intakes, overhead wires, meters and other apparatus, including the excavation of any street or other land for that purpose;</li> <li>(b) the installation of either or both—             <ol style="list-style-type: none"> <li>(i) underground pipes, cables, water mains, sewers, including associated accessories, service connections, boundary boxes and meters, and,</li> <li>(ii) above ground kiosks, meters and other apparatus and overhead wires, including the excavation of any street or other land for that purpose;</li> </ol> </li> <li>(c) The construction or erection of</li> </ol>	<p>The volume above ground level of any such kiosk, meter or other apparatus shall not exceed 13 cubic metres in rural areas (being areas as defined in Article 6(3)) or 2 cubic metres in other areas, measured externally.</p> <ol style="list-style-type: none"> <li>1. The Volume of any such below ground</li> </ol>

**Comment [1782]:** Inserted by article 5 of S.I. No. 235/2008 – Planning and Development Regulations 2008

<p>either or both—</p> <p>(i) below ground pumping or booster stations and, where appropriate, above ground kiosks, and</p> <p>(ii) below ground holding tanks or reservoirs;</p> <p>(d) the provision of telemetry and telecommunications apparatus in the form of a free-standing pole or antenna to the top or side of an existing building or structure within an existing water services site (being a site of not less than 0.1 hectare used for the provision of water services);</p> <p>(e) the provision of structures for sampling, testing or odour abatement within the curtilage of existing water services sites;</p> <p>(f) the carrying out of remedial works in respect of existing water services infrastructure in order to comply with conditions of licences and certificates issued under the Waste Water Discharge (Authorisation) Regulations 2007 (S.I. No. 684 of 2007);</p> <p>(g) the upgrade of existing water or waste water structures, or both, within existing site boundaries or the alteration or repair of any structure or its replacement with a similar structure;</p> <p>(h) the installation of plant or equipment within the curtilage of an existing water services site only in so far as is necessary to avert serious risks to public health or critical failure of infrastructure;</p>	<p>level pumping or booster station and any such holding tank or reservoir shall not exceed 500 cubic metres, measured externally.</p> <p>2. The volume above ground level of any such kiosk, meter or other apparatus shall not exceed 13 cubic metres in rural areas (being areas as defined in Article 6(3)) or 2 cubic metres in other areas, measured externally.</p> <p>Any such pole or antenna shall not exceed 10 metres in height or 0.60 metres in diameter.</p> <p>The capacity of any such structure shall not exceed 50 cubic meters and the height of any such structure shall not exceed the current height of existing structures on the site.</p> <p>The upgrading of any such structure shall not increase the existing floor area by more than 10% and the height of the upgraded structure shall not exceed the current height of existing structures.</p>
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<p>(i) the carrying out of any emergency work on an asset owned by Irish Water in order to ensure the continued supply of essential water and waste water services;</p> <p>(j) such fencing, gates, CCTV equipment and signage as are required to prevent unauthorised access to sites owned by Irish Water and ensure public safety or health and safety within the site;</p> <p>(k) test drilling for public water supplies.</p>	<p>The height of any such fencing shall not exceed 2.5 metres and the type of such fencing shall be consistent with existing development in the vicinity.</p>
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**Comment [1783]:** Inserted by article 4 of S.I. No. 29 /2018 - Planning and Development (Amendment) Regulations 2018.

*“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

**Section 3(1)**

*In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.*

Exempted  
development.

4.—(1) The following shall be exempted developments for the purposes of this Act—

- (a) development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used;
- (b) development by the council of a county in its functional area, exclusive of any borough or urban district;
- (c) development by the corporation of a county or other borough in that borough;
- (d) development by the council of an urban district in that district;
- (e) development consisting of the carrying out by the corporation of a county or other borough or the council of a county or an urban district of any works required for the construction of a new road or the maintenance or improvement of a road;
- (f) development carried out on behalf of, or jointly or in partnership with, a local authority that is a planning authority, pursuant to a contract entered into by the local authority concerned, whether in its capacity as a planning authority or in any other capacity;
- (g) development consisting of the carrying out by any local authority or statutory undertaker of any works for the purpose of inspecting, repairing, renewing, altering or removing any sewers, mains, pipes, cables, overhead wires, or other apparatus, including the excavation of any street or other land for that purpose;
- (h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;
- (i) development consisting of the thinning, felling and replanting of trees, forests and woodlands, the construction, maintenance and improvement of non-public roads serving forests and woodlands and works ancillary to that development, not including the replacement of broadleaf high forest by conifer species;
- (j) development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such;
- (k) development consisting of the use of land for the purposes of a casual trading area (within the meaning of the Casual Trading Act, 1995);
- (l) development consisting of the carrying out of any of the works referred to in the Land Reclamation Act, 1949, not being works comprised in the fencing or enclosure of land which has been open to or used by the public within the ten years preceding the date on which the works are commenced.

# Planning & Dev. Regulations 2001 (as amended)

biogeochemical functions depend notably on constant or periodic shallow inundation, or saturation, by standing or flowing fresh, brackish or saline water.

**Comment [131]:** Inserted by article 3 of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

“wholesale warehouse” means a structure where business, principally of a wholesale nature is transacted, and goods are stored or displayed incidentally to the transaction of that business.

- (2) In Schedule 2, unless the context otherwise requires, any reference to the height of a structure, plant or machinery shall be construed as a reference to its height when measured from ground level, and for that purpose “ground level” means the level of the ground immediately adjacent to the structure, plant or machinery or, where the level of the ground where it is situated or is to be situated is not uniform, the level of the lowest part of the ground adjacent to it.

Exempted  
Development.

6. (1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.
- (2) (a) Subject to article 9, development consisting of the use of a structure or other land for the exhibition of advertisements of a class specified in column 1 of Part 2 of Schedule 2 shall be exempted development for the purposes of the Act, provided that—
- (i) such development complies with the conditions and limitations specified in column 2 of the said Part 2 opposite the mention of that class in the said column 1, and
- (ii) the structure or other land shall not be used for the exhibition of any advertisement other than an advertisement of a class which is specified in column 1 of the said Part 2 and which complies with the conditions and limitations specified in column 2 of the said Part 2 opposite the mention of that class in the said column 1.
- (b) Subject to article 9, development consisting of the erection of any advertisement structure for the exhibition of an advertisement of any one of the classes specified in column 1 of Part 2 of Schedule 2



8C. Land reclamation works (other than reclamation of wetlands) consisting of re-contouring of land, including infilling of soil (but not waste material) within a farm holding, shall be exempted development.

**Comment [137]:** Amended by article 3(b) of S.I. No. 464/2011 – European Communities (Amendment to Planning and Development Regulations) Regulations 2011

8D. Works consisting of the removal for the purposes of agriculture of field boundaries including stone walls, clay banks or wire or post fences shall be exempted development.

**Comment [138]:** Inserted by article 4 of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

8E. Articles 8B to 8D shall not apply in an area to which a special amenity area order relates.

**Comment [139]:** Substituted by article 7 of S.I. No. 584/2011 – European Union (Environmental Impact Assessment and Habitats) (No. 2) Regulations 2011

8F. Development consisting of the thinning, felling or replanting of trees, forests or woodlands, or works ancillary to that development, but not including the replacement of broadleaf high forest by conifer species, shall be exempted development.

**Comment [140]:** Inserted by article 7 of S.I. No. 584/2011 – European Union (Environmental Impact Assessment and Habitats) (No. 2) Regulations 2011

8G. Development (other than where the development consists of provision of access to a public road) consisting of the construction, maintenance or improvement of a road (other than a public road), or works ancillary to such road development, where the road serves forests and woodlands, shall be exempted development.

**Comment [141]:** Inserted by article 3 of S.I. No. 219/2013 – Planning and Development (Amendment) Regulations 2013

Restrictions on exemption.

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—  
(a) if the carrying out of such development would—

**Comment [142]:** Inserted by article 3 of S.I. No. 219/2013 – Planning and Development (Amendment) Regulations 2013

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,
- (iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of

	<p>exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.</p> <ol style="list-style-type: none"> <li>4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.</li> <li>5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.</li> <li>6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.</li> </ol>
<p>CLASS 4</p> <ol style="list-style-type: none"> <li>(a) The erection of a wireless or television antenna, other than a satellite television signal receiving antenna, on the roof of a house.</li> <li>(b) The erection on or within the curtilage of a house, of a dish type antenna used for the receiving and transmitting of signals from satellites.</li> </ol>	<p>The height of the antenna above the roof of the house shall not exceed 6 metres.</p> <ol style="list-style-type: none"> <li>1. Not more than one such antenna shall be erected on, or within the curtilage of a house.</li> <li>2. The diameter of any such antenna shall not exceed 1 metre.</li> <li>3. No such antenna shall be erected on, or forward of, the front wall of the house.</li> <li>4. No such antenna shall be erected on the front roof slope of the house or higher than the highest part of the roof of the house.</li> </ol>
<p>CLASS 5</p> <p>The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or</p>	<ol style="list-style-type: none"> <li>1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any</li> </ol>

<p>wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.</p>	<p>garden or other space in front of a house, 1.2 metres.</p> <ol style="list-style-type: none"> <li>2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.</li> <li>3. No such structure shall be a metal palisade or other security fence.</li> </ol>
<p><b>CLASS 6</b></p> <ol style="list-style-type: none"> <li>(a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.</li> <li>(b) Any works within the curtilage of a house for— <ol style="list-style-type: none"> <li>(i) the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such, or,</li> <li>(ii) the provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such.</li> </ol> </li> </ol>	<p>The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.</p> <p>Provided that the area of the hard surface is less than 25 square metres or less than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, whichever is the smaller;</p> <p>or</p> <p>if the area of the hard surface is 25 square metres or greater or comprises more than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, it shall be constructed using permeable materials or otherwise allow for rainwater to soak into the ground.</p>

**Comment [i750]:** Substituted by article 6 of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011.

<p><b>CLASS 7</b> The construction or erection of a porch outside any external door of a house.</p>	<ol style="list-style-type: none"> <li>1. Any such structure shall be situated not less than 2 metres from any road.</li> <li>2. The floor area of any such structure shall not exceed 2 square metres.</li> <li>3. The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.</li> </ol>
<p><b>CLASS 8</b> The keeping or storing of a caravan, campervan or boat within the curtilage of a house.</p>	<ol style="list-style-type: none"> <li>1. Not more than one caravan, campervan or boat shall be so kept or stored.</li> <li>2. The caravan, campervan or boat shall not be used for the storage, display, advertisement or sale of goods or for the purposes of any business.</li> <li>3. No caravan, campervan or boat shall be so kept or stored for more than 9 months in any year or occupied as a dwelling while so kept or stored.</li> </ol>
<p><i>Sundry Works</i></p> <p><b>CLASS 9</b> The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.</p>	<p>The height of any such structure shall not exceed 2 metres.</p>
<p><b>CLASS 10</b> The plastering or capping of any wall of concrete blocks or mass concrete.</p>	
<p><b>CLASS 11</b> The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of—</p>	<ol style="list-style-type: none"> <li>1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not</li> </ol>

## SECTION 5 DECLARATION – PLANNER’S REPORT

<b>File Reference:</b>	<b>R 501/19</b>
<b>Description:</b>	Is the operation of a cert of registration waste transfer station at the Irish Rail Yard, Water street, Cork City, an exempted development
<b>Applicant:</b>	Gary Coffey, Coffey Construction Ltd., Athenry, Co. Galway.
<b>Location:</b>	Irish Rail Yard, Kent Station, Water Street, Cork City.

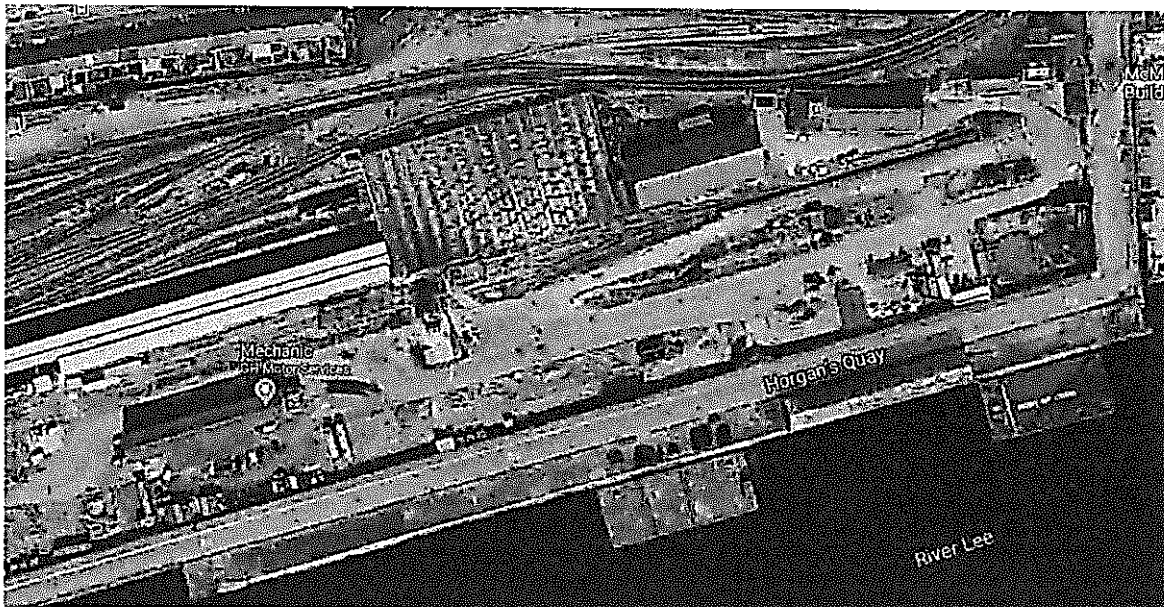
### SUMMARY OF RECOMMENDATION

CONSTITUTES DEVELOPMENT AND IS EXEMPTED DEVELOPMENT

### Purpose of Report

Under Section 5 (1) of the Planning and Development Act, 2000 (as amended), if any question arises as to what, in any particular case, is or is not development and is or is not exempted development within the meaning of the Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

The requirements for making a Section 5 declaration are set out in the Act. In this report 'the Act' means the Planning and Development Act, 2000 as amended and 'the Regulations' means the Planning and Development Regulations, 2001 as amended, unless otherwise indicated.



**Site Location**

Fig. 1: Google image inserted in February, 2019.

### Subject Development, and question before the Local Authority is:

*'Is the operation of a cert of registration waste transfer station at the Irish Rail Yard, Water street, Cork City, an exempted development'.*

- **RELEVANT PLANNING HISTORY**

**TP 14/36129**

PERMISSION GRANTED for demolition of the dormitory building and associated outhouses, stores and disused corrugated iron sheds in the vicinity of the junction of Lower Glanmire Road and Water Street. The construction of a new 3.6m average height boundary wall in hollow blockwork rendering in a smooth napped plaster finish located along the rear of the existing pavement and tied back to the adjoining boundary walls at Kent Station, Lower Glanmire Road, Cork City.

**TP 08/33622**

PERMISSION GRANTED for removal of 1 no. 48 sheet static advertising sign and replacement with 1 no. illuminated trivision rotating 6.4m. x 3.2m. advertising sign, adjacent to the entrance to the CIE freight storage yard, Horgans Quay, Cork City.

- **Planning and Development Act, 2000 as amended**

**Section 2(1)**

*"exempted development" has the meaning specified in section 4.*

*"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—*

- *where the context so admits, includes the land on, in or under which the structure is situated, and*
- *in relation to a protected structure or proposed protected structure, includes—*
  - *the interior of the structure,*
  - *the land lying within the curtilage of the structure,*
  - *any other structures lying within that curtilage and their interiors, and*
  - *all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii).*

*"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

**Section 3(1)**

*In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.*

**Section 4(2)**

Section 4(2) provides that the Minister may, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations 2001, as amended.

**Section 4(3)**

*A reference in this Act to exempted development shall be construed as a reference to development which is—*

- *any of the developments specified in subsection (1), or*

- *development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.*

### **Section 5(1)**

*If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.*

### • **ENVIRONMENTAL ASSESSMENT**

I note the provisions of sections 4(4), 4(4A) and 177U(9) of the Act which state,

#### *Section 4(4),*

*Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.*

#### *Section 4(4A)*

*Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—*

- *authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and*
- *as respects which an environmental impact assessment or an appropriate assessment is required,*

*to be exempted development.*

#### *Section 177U(9)*

*In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.*

### • **Screening for Environmental Impact Assessment**

Having regard to the contents of Article 103 and Schedule 7 of the Planning and Development Regulations 2001, as amended it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly it is considered that **environmental impact assessment is not required.**

### • **Screening for Appropriate Assessment**

The applicant has not submitted an appropriate assessment screening report. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development it is considered that the proposed development would not affect the integrity of these European sites. Accordingly it is considered that **appropriate assessment is not required.**

- **Assessment**

- **Development**

The first issue for consideration is whether or not the matter at hand is 'development', which is defined in the Act as comprising two chief components: 'works' and / or 'any material change in the use of any structures or other land'. It is clear that the proposal constitutes 'works', which is defined in section 3(1) of the Act as including 'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal'. As the proposal comprises 'works', **it is clearly therefore 'development' within the meaning of the Act.**

### **CONCLUSION**

#### **Is development**

- **Exempted development**

The next issue for consideration is whether or not the matter at hand is exempted development. Section 2(1) of the Act defines 'exempted development' as having 'the meaning specified in Section 4' of the Act (which relates to exempted development).

Section 4(3) of the Act states that exempted development either means development specified in section 4(1) or development which is exempted development having regard to any regulations under section 4(2).

Essentially the proposal involves the temporary storage for transfer of waste comprising of natural materials such as soil and stone before segregating it on site and loading it into waste collection vehicles for an off-site authorised waste facility on an area of ground of 600 sq. m. The yard already has a light industrial use. The Engineer in the Water Dept. of Cork City Council (who is an Agent of Irish Water) has confirmed in writing on file that the works referred to in this application are being carried out by the applicant i.e. Coffey Construction on behalf of Irish Water, and therefore comes within the scope of Schedule 2, Article 6, Exempted Development:

Class 58

*Development by Irish Water, for the purpose of the provision of water services, consisting of one or more of the following:*

- *The inspection, maintenance, repair, renewal or removal of pipes, cables, water mains, sewers, including associated accessories, service connections, boundary boxes, kiosks, intakes, overhead wires, meters and other apparatus, including the excavation of any street or other land for that purpose;*

### **Recommendation**

Having regard to —

- The particulars received by the Planning Authority on 19/02/19
- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)



- Class 58 (a) of Schedule 2, Part 1 *Exempted Development- General of the Planning and Development Regulations 2001(as amended)*

the Planning Authority considers that —

*the proposal* **IS DEVELOPMENT** and that the development **IS EXEMPTED DEVELOPMENT.**

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**Helen O' Sullivan**  
**A.Planner**  
**11/3/2019.**

Agreed  
Suzie Lynn  
A/SEP  
11/03/19.

**COMHAIRLE CATHRACH CHORCAÍ**  
**CORK CITY COUNCIL**

Strategic Planning & Economic Development Directorate,  
Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/E-Mail [planning@corkcity.ie](mailto:planning@corkcity.ie)

Fón/Tel: 021-4924564/4321

Lionra/Web: [www.corkcity.ie](http://www.corkcity.ie)

**SECTION 5 DECLARATION APPLICATION FORM**  
under Section 5 of the Planning & Development Acts 2000 (as amended)

**1. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION IS SOUGHT**

IRISH RAIL YARD, KENT STATION, WATER ST,  
CORK CITY. (NATIONAL GRID - W6 8992 72243)

**2. QUESTION/ DECLARATION DETAILS**

**PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:**

Sample Question: Is the construction of a shed at No 1 Wall St, Cork development and if so, is it exempted development?

*Note: only works listed and described under this section will be assessed under the section 5 declaration.*

Is the operation of a cert. of registration. waste transfer station at the Irish Rail Yard, Water St, Cork City an exempted development??

**ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:**

(Use additional sheets if required).

Coffey Construction (I) Ltd propose to use the site for the reception, storage and transfer of waste (comprising of natural materials soil and stone) (170504, 170101, 170107, 170302) for disposal at an Authorised Permitted facility. The annual intake will not exceed 3000 tonnes.

The attached site location Maps show the location of the transfer station. The Material will be segregated in a bunded storage area on site. The segregated material will be loaded onto permitted waste collection vehicles and taken to an Authorised waste facility.

### 3. APPLICATION DETAILS

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square meters (sq. M)

(a) Floor area of existing/proposed structure/s	30+20 = 600M <sup>2</sup>
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 <sup>st</sup> October, 1964, (including those for which planning permission has been obtained)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please provide floor areas. (sq m) _____
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle)	Proposed/existing use (please circle)
N/A	N/A

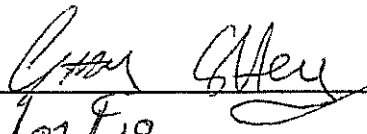
### 4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):		GARY COFFEY
Applicants Address	COFFEY CONSTRUCTION (I) LTD, ATHENRY, Co. GALWAY	
Person/Agent acting on behalf of the Applicant (if any):	Name:	
	Address:	N/A.
	Telephone:	
	Fax:	
	E-mail address:	
Should all correspondence be sent to the above address? <small>(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)</small>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

### 5. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner	B. Other <input checked="" type="checkbox"/>
Where legal interest is 'Other', please state your interest in the land/structure in question	Tenant.	
If you are not the legal owner, please state the name and address of the owner if available	RISH RAIL	

6. I / We confirm that the information contained in the application is true and accurate:

Signature:   
Date: 19/02/19

.....

**ADVISORY NOTES:**

The application must be accompanied by the required fee of €80

The application should be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.

Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.

The application should be sent to the following address:

The Development Management Section, Strategic Planning & Economic Development  
Directorate, Cork City Council, City Hall, Anglesea Street, Cork.

- The Planning Authority may require further information to be submitted to enable the authority to issue the declaration.
- The Planning Authority may request other person(s) other than the applicant to submit information on the question which has arisen and on which the declaration is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
- In the event that no declaration is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a declaration was due to be issued by the Planning Authority.

*The application form and advisory notes are non-statutory documents prepared by Cork City Council for the purpose of advising as to the type information is normally required to enable the Planning Authority to issue a declaration under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations 2001 as amended.*

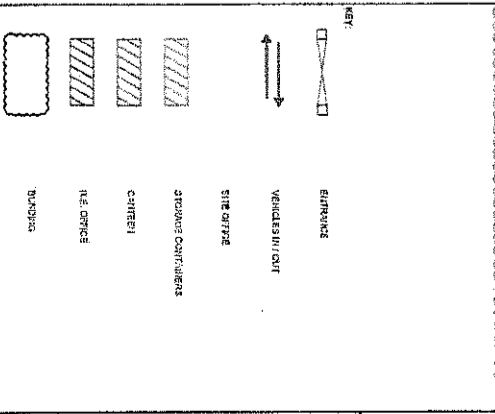
**DATA PROTECTION**

The use of the personal details of planning applicants, including for marketing purposes, may be unlawful under the Data Protection Act 1988-2003 and may result in action by the Data Protection Commissioner against the sender, including prosecution



THE CONTENTS OF THIS DRAWING AND ANY INFORMATION CONTAINED HEREIN ARE THE PROPERTY OF COFFEY AND SHOULD NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF COFFEY. THE CLIENT'S RESPONSIBILITY IS TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES. COFFEY ACCEPTS NO LIABILITY FOR ANY DAMAGE OR LOSS OF PROFITS, BUSINESS, OR REPUTATION, OR FOR ANY SPECIAL, CONSEQUENTIAL, OR PUNITIVE DAMAGES, ARISING FROM THE USE OF THIS DRAWING, EVEN IF SUCH DAMAGES ARE FORESEEABLE. THE CLIENT'S USE OF THIS DRAWING IS LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY OTHER USE IS STRICTLY PROHIBITED. THE CLIENT'S RESPONSIBILITY IS TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES. COFFEY ACCEPTS NO LIABILITY FOR ANY DAMAGE OR LOSS OF PROFITS, BUSINESS, OR REPUTATION, OR FOR ANY SPECIAL, CONSEQUENTIAL, OR PUNITIVE DAMAGES, ARISING FROM THE USE OF THIS DRAWING, EVEN IF SUCH DAMAGES ARE FORESEEABLE. THE CLIENT'S USE OF THIS DRAWING IS LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY OTHER USE IS STRICTLY PROHIBITED.

**NOTES:**  
 1. NO EXISTING SITE PROVIDED IN THIS AREA, REFER TO THE PLAN OFF THE OVER  
 2. NOTE SCOPES & ASSOCIATED INFORMATION EXCLUDED MATERIALS/FINISHES  
 3. SERVICE WATER MAIN (FOR LOCATION ONLY)



REV.	DATE	DESCRIPTION	CD	CHK	APP
01	01/07/19	OUTLINE DESIGN PROPOSAL	DC		
02	02/02/19	REVISIONS FOR APPROVAL	DC		

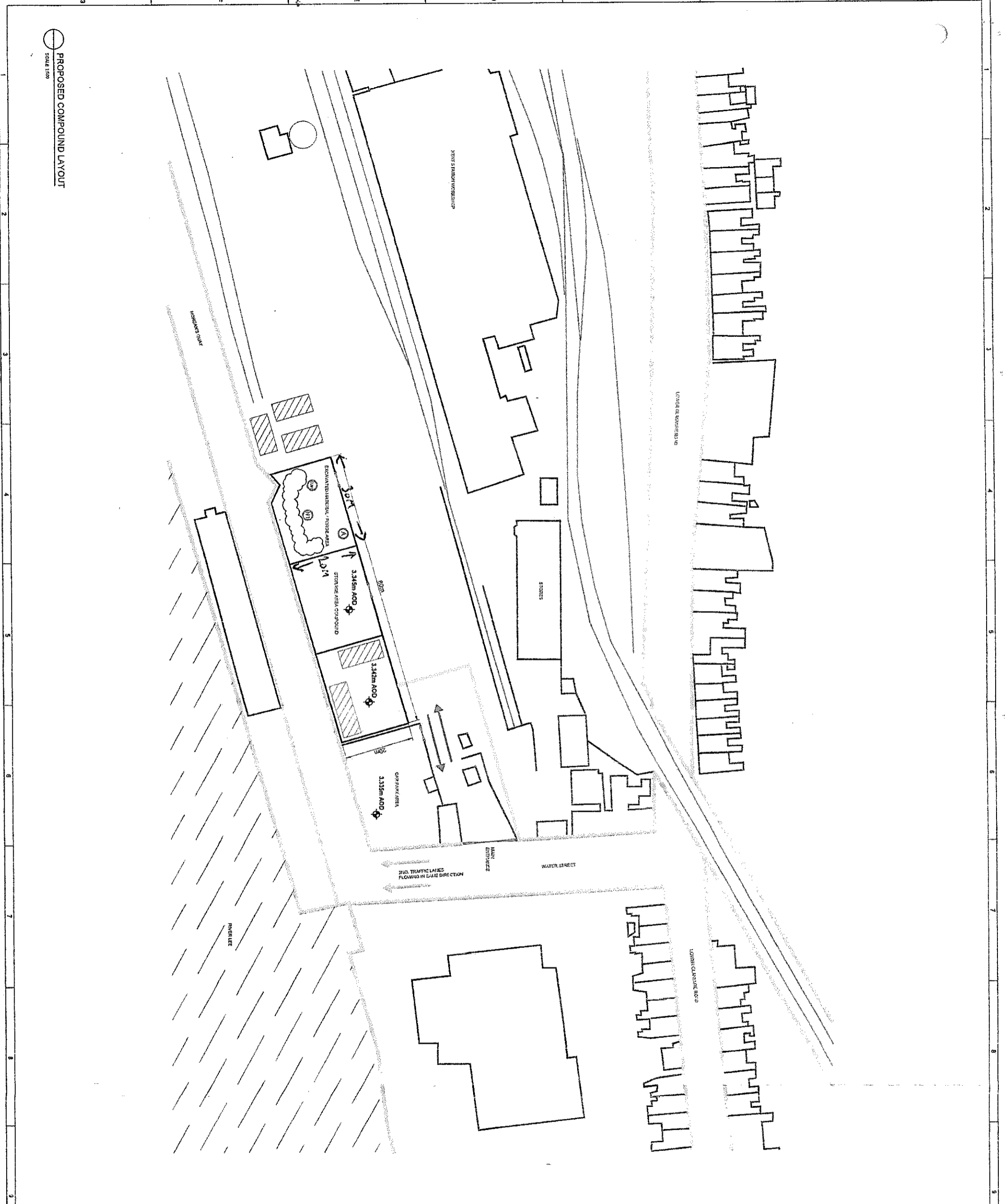
**COFFEY**

HEAD OFFICE: MOULBARK, ABERDEEN, CO. DUBLIN, IRELAND  
 TEL: +353 (0)1 4141418 EMAIL: INFO@COFFEY.COM WEB: WWW.COFFEY.COM

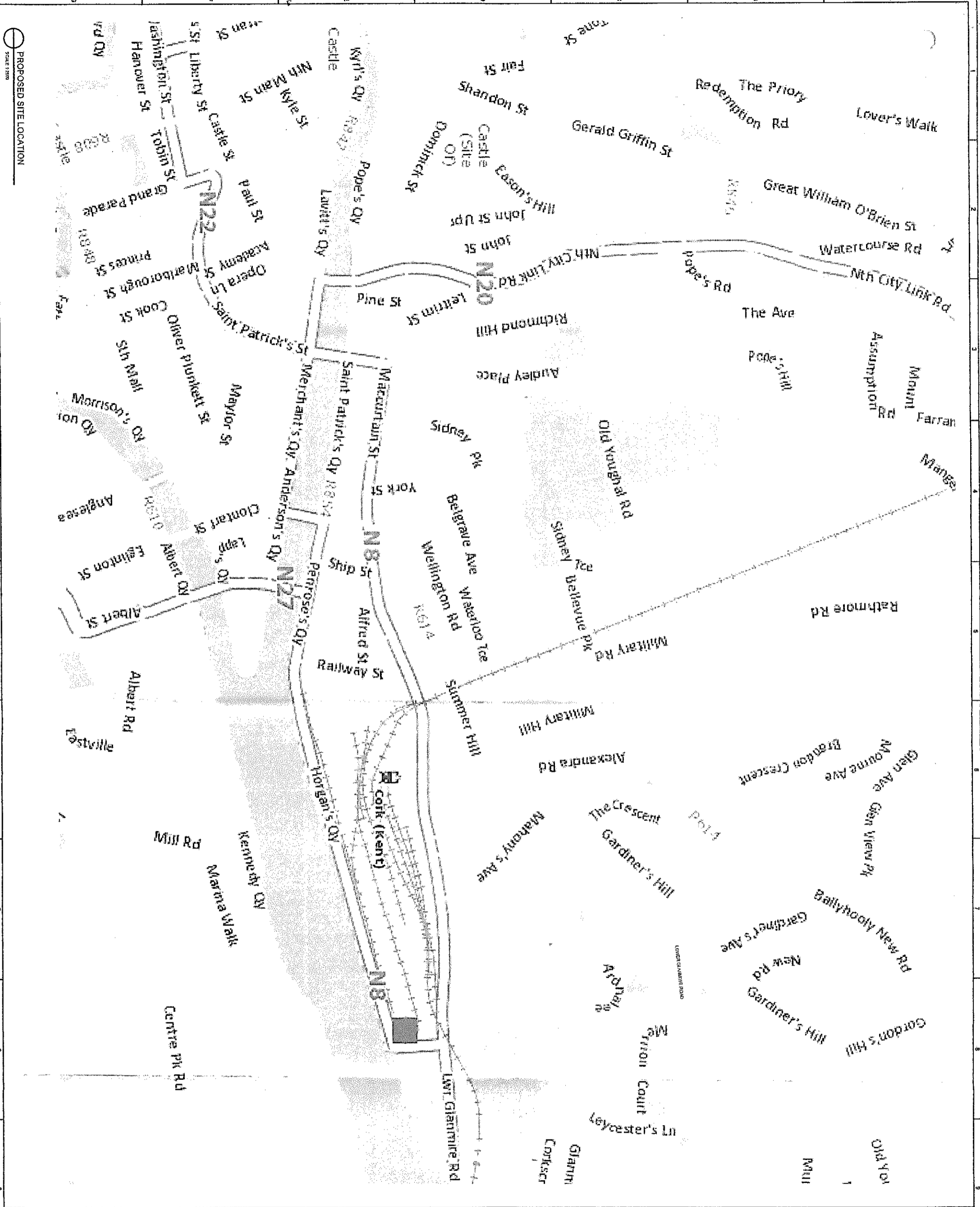
PROJECT: KENT RAILWAY STATION COFFEY COMPOUND LAYOUT  
 KENT RAILWAY STATION CORK

PROJECT NO: M0005

NO.	REVISION	DATE
A1	OUTLINE DESIGN PROPOSAL	S4
M0005-CWL-01-WT-DR-M-2001		P02



PROPOSED COMPOUND LAYOUT  
 SCALE 1:500



THE CONTENTS OF THIS DRAWING SHALL BE VALID ONLY IF THE PROJECT IS APPROVED BY THE LOCAL AUTHORITY AND THE PROJECT IS CONDUCTED IN ACCORDANCE WITH THE CONDITIONS OF THE LOCAL AUTHORITY'S APPROVAL. THE LOCAL AUTHORITY'S APPROVAL IS SUBJECT TO THE CONDITIONS OF THE LOCAL AUTHORITY'S APPROVAL. THE LOCAL AUTHORITY'S APPROVAL IS SUBJECT TO THE CONDITIONS OF THE LOCAL AUTHORITY'S APPROVAL.

NO.	DATE	DESCRIPTION	BY	CHK.	APP.
P01	20/10/10	OUTLINE DESIGN PROPOSAL	DO	CHK.	APP.

**client:** COFFEY  
**contract:** COFFEY RAILWAY STATION  
**contract ref:** M0005  
**contract ref:** COFFEY COMPOUND  
**contract ref:** KENT RAILWAY STATION  
**contract ref:** COFFEY COMPOUND  
**contract ref:** SITE LOCATION  
**contract ref:** CORK

**contract ref:** M0005  
**contract ref:** KENT RAILWAY STATION  
**contract ref:** COFFEY COMPOUND  
**contract ref:** SITE LOCATION  
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**contract ref:** M0005  
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**contract ref:** CORK

**contract ref:** M0005  
**contract ref:** KENT RAILWAY STATION  
**contract ref:** COFFEY COMPOUND  
**contract ref:** SITE LOCATION  
**contract ref:** CORK

**17. Are there any limitations to exempted development?**  
 All forms of development which are normally exempted lose this status and require planning permission if they:

- contravene a condition of a planning permission;
- endanger public safety by causing a traffic hazard or obstructing the view of road users;
- build forward of the building line (except in the case of small porches);
- involve a new or wider access to a public road;
- affect a building, feature, site, character of landscape, view of special amenity value or special interest, etc., (check your local development plan);
- obstruct a public right of way;
- are not wholly related to the use of the house for domestic purposes;
- involve development within a special amenity area;
- involve development to a protected structure;
- include any works to, or changes to, an unauthorised structure, or one where there is an unauthorised use. ("Unauthorised" means without the benefit of planning permission or exempted development status).

**18. Do the exemptions apply to apartments?**

The exemptions listed above at 5, 7, 8, 10, 11, 12 and 15 do not apply in the case of flats or apartments and the provision of car parking is only exempt when to the rear.

**19. Where can I get more information on exemptions?**

The full list of exempted developments is set out in the Planning Acts and Regulations (details at the end of this leaflet). The planning authority can advise on whether they consider planning permission is necessary, or not, in a particular case. If you disagree with the planning authority on whether planning permission is needed, you can obtain a formal ruling by referring the decision to An Bord Pleanála on payment of the appropriate fee. Further information is available directly from the Board at 64 Marlborough Street, Dublin 1, Telephone (01) 8588100.

**20. What happens if exemption limits are exceeded?**

The limits must be observed and the planning authority has powers to stop the development if they are breached. If, due to an oversight an error is made, you should apply to the planning authority for permission to retain the work done. This is generally known as "retention" permission. It does not automatically follow that this will be granted. This fee for a retention application is 3 times more than the standard fee and you may have to take down, alter or rectify work done, which can be costly. Prosecution for breaches of planning law can result in heavy fines or imprisonment. You may also find it difficult to sell property which does not comply with planning requirements. If buying property check that the building itself and any extensions or alterations comply with planning requirements or you, as the new owner, may be liable to enforcement action.

**21. Should I consult the planning authority before carrying out exempted development?**

If you have any doubts or queries on any planning aspect you can contact the planning authority.

See also Question 23 in relation to Building Regulations.

**22. Should I consult any other bodies?**

You should contact your local E.S.B. office (see PL 6 Paragraph 13) if your proposed works are near existing electricity lines, if there is a question of clearance heights under power lines or if the construction work will bring anyone within reach of the electricity supply to your house. In fact, you must do so where any overhead lines come within 6 metres of the construction works.

**23. Do Building Regulations Apply?**

Your development must be in accordance with the building regulations. These regulations set out the basic design and construction requirements and apply to all new buildings, extensions, alterations and certain changes of use of existing buildings. Details of the building regulations and of the associated procedures are available in PL 11 - A Guide to the Building Regulations. Further information may be obtained from your local authority. You may also need other types of approval e.g. making a new connection to a sewer. Contact your local authority in such cases.

**24. Should I notify my neighbours beforehand?**

This is not a legal requirement for exempted development. However, it is in your interest to let neighbours know about work you intend to carry out to your property. They are likely to be as concerned about work which might affect them as you would be if the roles were reversed. You may be able to meet some of your neighbour's worries by modifying your proposals. Even if you decide not to change, it is usually better to have told your neighbours before the building work starts.

If you or your contractor need to go on to a neighbour's property, you should obtain his or her consent before doing so.

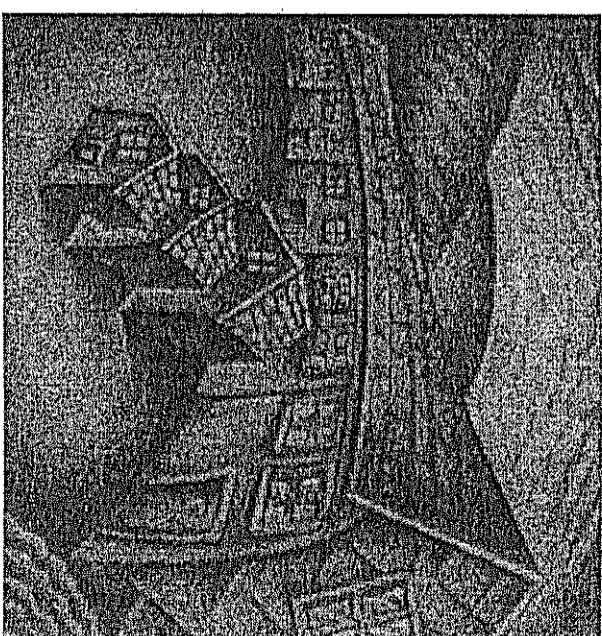
Alterations or additions to your house may make it more vulnerable to burglary. Your local Garda Station can provide helpful advice on ways of reducing risk.

The law governing the planning system is set out in the Planning and Development Acts 2000 and 2001 and the Planning and Development Regulations 2001 to 2002. These may be purchased from the Government Publications Sales Office, Sun Alliance House, Molesworth Street, Dublin 2, Telephone (01) 64769514.

The leaflets in this series are:

- |  |       |
|--|-------|
| A Guide to Planning Permission                         | PL 1  |
| Making a Planning Application                          | PL 2  |
| Commenting on a Planning Application                   | PL 3  |
| Building A House - The Planning Issues                 | PL 4  |
| Doing Work around the House - The Planning Issues      | PL 5  |
| Agriculture and Farm Development - The Planning Issues | PL 6  |
| Planning for the Business Person                       | PL 7  |
| The Development Plan                                   | PL 8  |
| Environmental Impact Assessment                        | PL 9  |
| Making a Planning Appeal                               | PL 10 |
| A Guide to the Building Regulations                    | PL 11 |
| A Guide to Architectural Heritage                      | PL 12 |

Tá leagan Gaelige den bhliog seo ar fáil.



PL 5 -  
 Doing Work around the House -  
 The Planning Issues



This leaflet sets out the main planning issues when doing work around the house - domestic extensions, minor works etc.

This leaflet is intended as a practical guide. It is not a definitive legal interpretation of planning law. For more information you should consult your planning authority.

**1. When do I need planning permission?**

Generally, you need planning permission for any development of land or property unless it is specifically exempted from this need. The term development includes the carrying out of works (building, demolition, alteration) on land or buildings, and the making of a material (i.e. significant) change of use of land or buildings.

**2. What is exempted development?**

Exempted development is development for which planning permission is not required. Categories of exempted development are set out in planning law.

Relevant exemptions in relation to domestic developments are outlined in this leaflet. There are usually certain thresholds relating to, for example, size or height. Where these thresholds are exceeded, the exemptions no longer apply. The purpose of exemption is to avoid controls on developments of a minor nature, such as small extensions to houses.

**3. Can a change of use be exempted development?**

Yes. Where a change of use is not "material", planning permission is not required. (See Q3 PL7)

**4. What is a 'material change of use'?**

This depends on the circumstances of each situation. Generally, any change of use of a substantial nature which has an impact or potential impact on neighbours or the local community will need planning permission. The planning authority can give advice on whether it considers any particular change of use is significant enough to be "material" for planning purposes. See Question 19 below for details of how to resolve a question whether a development is or is not exempted.

**5. Can I build an extension?**

Small scale domestic extensions, including conservatories, do not require planning permission if the extension is to the rear of the house and comply with the following:

- the original floor area of the house is not increased by more than 40 square metres. It is important to note that where the house has been extended before, the floor area of the extension you are now proposing and the floor area of any previous extension, including those for which you got planning permission, cannot exceed 40 square metres;

- for terraced or semi-detached houses, the floor area of any extension above ground level does not exceed 12 square metres, this includes any previous extensions carried out;
- any extension above ground floor level is at least 2m from any boundary;

- any extension does not exceed the height of the house;
- any extension does not reduce the area of private open space, reserved for the occupants of the house, to less than 25 square metres.

There are also rules about the height allowed in such an extension. These are that:

- if the rear wall of the house does not include a gable, the height of the walls of the extension must not exceed the height of the rear wall of the house;
- if the rear wall of the existing house has a gable, the walls of the extension (excluding any gable being built as part of the extension) shall not be higher than the side walls of the house;
- in the case of a flat roofed extension, the height of the highest part of the roof may not exceed the height of the eaves or parapet. In any other case, no part of the new roof may exceed the highest part of the roof of the house;
- a gable is the upper part of a wall (normally triangular), between the sloping ends of a pitched roof.

There are also rules about the required distances between windows in extensions, the facing boundary of the adjoining property and the use of the roof of the extension. These are:

- any windows proposed at ground floor level as part of an extension should not be less than 1 metre from the boundary they face;
- any windows proposed at above ground level should be not less than 11 metres from the boundary they face;
- the roof of any such extension should not be used as a balcony or roof garden.

**6. Can I convert my garage to domestic use?**

The conversion for use as part of a dwelling house (e.g. as a living room or bedroom) of a garage, store, shed etc. attached to the rear or side of a house is normally exempted development, subject to the 40 square metre limit and conditions as set out in Question 5 above.

**Note: You should contact your planning authority if you are unsure of any of the above conditions in relation to any proposed extension.**

**7. Can I build a garage?**

You can build a garage, carport, shed, greenhouse, kennel for domestic pets etc., as long as it does not extend out in front of the building line of the house and does not exceed 4 metres in height, (if it has a tiled or slated pitched roof), or 3 metres (if it has any other roof type). The floor area limitation for exempted development is 25 square metres. The structure may not be lived in, used for commercial purposes or for keeping pigs, poultry, ponies, or horses. Garages, sheds etc. to the side of the house must match the finish of the house. You cannot reduce the open private space, reserved exclusively for the use of the occupants of the house, at the side or rear of the house below 25 square metres.

**8. Can I build a front porch?**

You can build a porch without planning permission, as long as it does not exceed 2 square metres in area and is more than 2 metres from any public road or footpath. Where the porch has a tiled or slated pitched roof, it must not exceed 4 metres in height, or 3 metres for any other roof type. A front porch within these limits is the only type of

development allowed to extend beyond the front wall of the building (the building line) and still remain exempted.

**9. Can I erect walls, fences and gates?**

Capped walls made of brick, stone or block with a decorative finish, railings and wooden fences, but not a metal palisade or security fences, can be erected as long as they do not exceed 1.2 metres in height in front of your house or 2 metres at the side or rear. If the wall is made of plain blocks or mass concrete it must be rendered or plastered. Gates and gateways may be built or replaced providing they do not exceed 2 metres in height. You will need planning permission if you wish to make a new or wider access to the public road.

**10. Can I build a chimney and a boiler house?**

A boiler house or a chimney for a central heating system, or an oil storage tank (up to 3,500 litres capacity), is exempted development.

**11. Can I build paths, ponds and patios?**

Car parking spaces, hard surfacing, garden paths, garden ponds and patios etc. are exempt once they are not more than 1 metre above or below existing ground level. There are no other limitations to the rear of the house but no more than 2 car parking spaces to the side or front of the house are exempt.

**12. Can I put up a television aerial?**

A radio or TV aerial on your roof is exempt once it does not exceed 6 metres in height above the roof. A satellite dish up to 1 metre across and below the top of the roof is exempted development only to the rear or side of the house. Only one dish may be erected on a house. A dish to the front needs permission.

**13. Can I carry out internal alteration, external repairs and maintenance?**

You can carry out any internal alteration you wish as long as you do not alter the domestic use of the house. External works of repair, maintenance and improvement such as painting or replastering do not need planning permission so long as they do not materially affect the external appearance, thus rendering the appearance inconsistent with neighbouring buildings. You may need approval for certain external alteration e.g. a new connection to a sewer.

This exemption does not apply to protected structures, nor to the subdivision of a house into flats or granny flats. Planning permission must be obtained for such works.

**14. Can I demolish an old building?**

You can demolish without permission a building other than:

- a habitable house, or;
- a protected structure or a proposed protected structure;
- a building in a terrace, or one which is attached to another building in separate ownership.

However, it does not automatically follow that you will get permission to build a replacement.

A habitable house is a house which is:

- used as a dwelling;
- is not in use, but when last used it was a dwelling and is not derelict;
- is provided for use as a dwelling but has not been occupied;
- it also includes a building where the last permitted use was as a house, even if it has been in unauthorised use since then.

**15. Can I store caravans and boats?**

One caravan, one campervan or one boat may be stored in your garden for up to 9 months of the year as long as it is not lived in or used for business purposes.

**16. Can I put up advertisements?**

You do not need permission for domestic advertisements up to 0.3 square metres in area, such as your house name or number and "Beware of Dog" type signs. If selling or letting your house the size increases to 0.6 metres but only one advertisement is allowed and it may not be left up any longer than 7 days after the sale or letting.